

**MINUTES OF THE REGULAR MEETING OF THE
BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS
FOR SEPTEMBER 6, 2006**

The **Regular Meeting** of the Council of Commissioners was called to order Wednesday, **September 6, 2006** in the Council Chambers, Third Floor, Room 312, Courthouse Building, 155 W. Granite Street, Butte, Montana by Chief Executive Paul Babb.

ROLL CALL

8 Present, 4 Absent. Commissioners Frasz, Sheehy, Coleman, and Bury were excused.

PRAYER

Commissioner Mulcahy led the commissioners in prayer.

**APPROVAL OF THE MINUTES OF THE
AUGUST 16, 2006 REGULAR MEETING AND
THE SPECIAL MEETING AUGUST 21, 2006**

It was moved by Commissioner O’Leary, seconded by Commissioner Kerns and carried by a unanimous verbal vote to approve the Minutes of the August 16, 2006 Regular and the August 21, 2006 Special Meeting.

**ITEMS NOT ADDRESSED ON THE AGENDA –
SUSPENSION OF THE RULES**

It was moved by Commissioner O’Leary, seconded by Commissioner Fay and carried by a roll call vote of 8 yeas, 0 nays and 4 absent that in accordance with the provisions of subsection 6 of Rule VI of the rules of business of the Council of Commissioners of the City and County of Butte-Silver Bow, State of Montana, the Council hereby finds that an emergency condition exists which requires that the Council Rules be suspended to allow Communication No. 06-557 and Resolution No. 06-97 to be added to the agenda of tonight’s Regular Meeting of the Council

**PUBLIC COMMENT ON ANY PUBLIC MATTER
NOT ON THE AGENDA**

None

CHIEF EXECUTIVE'S REPORT

Chief Executive Babb announced that the Three Bears has broken ground and is moving forward anticipating a Springtime opening.

The Department of Environmental Quality has found that there are some high nitrates out in the South quadrant of Butte and so they have put some restrictions on septic tanks out there. We have been working with our water master plan to see how we might work with developers and the people that are currently out in that area to see how we might bring city infrastructure that way. Jon Sesso and Paul Riley are going over to Helena tomorrow to meet with the DEQ to have a better understanding as to what their intent is.

Next Wednesday we will have the presentation on the ARCO settlement and he urges all to come.

He said that he has been invited to attend the Mayor's Conference on global warming. This year it is being held in Alaska hosted by the Mayor of Anchorage. They will be paying my way to go up there from September 14th to the 21st.

The Employee of the Month this month was Danette Harrington.

On September 11th there will be a candlelight vigil to commemorate 911 and to recognize the firefighters and law enforcement. That will be at 8:30 PM at Stodden Park.

SECTION I

INVITATIONS FOR BID

SEALED BIDS FOR 2006/2007 RESPONSE VEHICLE. (Communication 06-540) Proof of Publication was noted and placed on file.

Jeff Miller, Fire Chief, opened the sole bid from S & S Fire Apparatus in Fairmount, Indiana in the amount of \$80,757.00

It was moved by Commissioner O'Leary, seconded by Commissioner Kerns and carried by unanimous verbal vote to refer the bid Chief of Fire Services for final review and report back to the council.

SECTION II

PUBLIC HEARING

FOR THE PURPOSE OF HEARING VERBAL PRESENTATIONS OF SUBMITTED PROPOSALS FOR THE I.C. SCHOOL, 1136 CALEDONIA. (Communication 06-518) Proof of Publication was noted and placed on file.

SECTION III CONSENT AGENDA

B. COMMUNICATIONS

EMERGENCY – COMMUNICATION NO. 06-557

It was moved by Commissioner O’Leary, seconded by Commissioner Kerns and carried by a roll call vote of 8 yeas, 0 nays and 4 absent to approve of the suggestions in Communication No. 06-557 and refer it to Committee of the Whole.

AN ORDINANCE AMENDING SECTION 2 OF BUTTE-SILVER BOW ORDINANCE NO. 134 AND SECTION 2.04.010 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC); ADJUSTING THE ANNUAL SALARIES OF THE CHIEF EXECUTIVE, COUNTY ATTORNEY, SHERIFF, CLERK AND RECORDER, TREASURER, ASSESSOR, CITY JUDGE, JUSTICE OF THE PEACE, AUDITOR, SUPERINTENDENT OF SCHOOLS,

CLERK OF THE DISTRICT COURT, CORONER AND MEMBERS OF THE COUNCIL OF COMMISSIONERS AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

2. COUNCIL RESOLUTION NO. 06-95

A RESOLUTION DECLARING THE INTENTION OF THE COUNCIL OF COMMISSIONERS OF THE CITY AND COUNTY OF BUTTE-SILVER BOW, MONTANA TO CREATE A SPECIAL LIGHTING DISTRICT, TO BE KNOWN AS SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 1026, FOR THE PURPOSE OF DIRECTING, EQUIPPING, MAINTAINING, AND INSTALLING AN ELECTRICAL LIGHTING SYSTEM; DESIGNATING AND DESCRIBING THE BOUNDARIES OF SAID PROPOSED SPECIAL IMPROVEMENT LIGHTING DISTRICT; STATING THE PURPOSE OF AND GENERAL CHARACTER OF THE IMPROVEMENTS TO BE MADE IN SAID SPECIAL IMPROVEMENT DISTRICT; ESTIMATING THE APPROXIMATE COST THEREOF FOR THE FIRST YEAR; FINDING, DETERMINING AND DECLARING THAT PROPERTY WITHIN SAID SPECIAL IMPROVEMENT DISTRICT WILL BE ESPECIALLY BENEFITED AND AFFECTED BY SUCH PROPOSED IMPROVEMENT; DECLARING THAT SUCH PROPERTY SHOULD BE ASSESSED FOR THE COST THEREOF OF MAINTENANCE AND ENERGY AND EXTENDING SUCH ASSESSMENTS TO BE IN ANNUAL INSTALLMENTS AND PROVIDING FOR THE FUNDS UPON WHICH SAID SPECIAL IMPROVEMENT ENERGY AND MAINTENANCE FUNDS SHALL BE DRAWN; PROVIDING FOR THE PUBLICATION AND GIVING OF NOTICE OF THE PASSAGE AND ADOPTION OF THIS RESOLUTION AND PROVIDING FOR THE EFFECTIVE DATE HEREOF.

3. COUNCIL RESOLUTION NO. 06-96

A RESOLUTION DECLARING SURPLUS CERTAIN UNDEVELOPED OR UNDERDEVELOPED PARCELS OF CITY-COUNTY OWNED PARKLANDS AS DESCRIBED HEREIN AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

SECTION IV-A

FINAL READING

1. COUNCIL RESOLUTION NO. 06-9

A RESOLUTION VACATING, CLOSING, DISCONTINUING AND ABANDONING THE ALLEY ADJACENT TO LOTS 5 THROUGH 9 IN BLOCK 27 OF THE SOUTH PARK ADDITION WITHIN THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA; PRESCRIBING THE EFFECTIVE DATE OF THIS RESOLUTION AND FINDING THE NECESSARY FACTS HEREIN. **It was moved by Commissioner O'Leary, seconded by Commissioner Fay and carried by a**

roll call vote of 8 yeas, 0 nays and 4 absent to place Council Resolution No. 06-9 on final reading and passed having been deemed fully read at length.

2. COUNCIL RESOLUTION NO. 06-69

A RESOLUTION AUTHORIZING AND APPROVING THE SALE OF A PARCEL OF REAL PROPERTY DESCRIBED AS LOT 6 IN BLOCK 1 OF THE CENTERVILLE LODGE (PARCEL #1906070) IN SECTION 12, TOWNSHIP 3 NORTH, RANGE 8 WEST, OWNED BY THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA TO THE ADJOINING OWNER PURSUANT TO POLICIES ADOPTED BY THE COUNCIL OF COMMISSIONERS AND PROVIDING FOR AND EFFECTIVE DATE HEREIN. **It was moved by Commissioner O'Leary, seconded by Commissioner Fay and carried by a roll call vote of 8 yeas, 0 nays and 4 absent to place Council Resolution No. 06-69 on final reading and passed having been deemed fully read at length.**

3. COUNCIL RESOLUTION NO. 06-70

A RESOLUTION AUTHORIZING AND APPROVING THE SALE OF A PARCEL OF REAL PROPERTY DESCRIBED AS TRACT A, CERTIFICATE OF SURVEY 818B, (Parcel No. 1903000) OWNED BY THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA TO THE ADJOINING OWNER PURSUANT TO POLICIES ADOPTED BY THE COUNCIL OF COMMISSIONER AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. **It was moved by Commissioner O'Leary, seconded by Commissioner Fay and carried by a roll call vote of 8 yeas, 0 nays and 4 absent to place Council Resolution No. 06-70 on final reading and passed having been deemed fully read at length.**

4. COUNCIL RESOLUTION NO. 06-73

A RESOLUTION DECLARING THE INTENTION OF THE COUNCIL OF COMMISSIONERS OF THE CITY AND COUNTY OF BUTTE-SILVER BOW, MONTANA TO CREATE A SPECIAL LIGHTING DISTRICT, TO BE KNOWN AS SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 1026, FOR THE PURPOSE OF DIRECTING, EQUIPPING, MAINTAINING, AND INSTALLING AN ELECTRICAL LIGHTING SYSTEM; DESIGNATING AND DESCRIBING THE BOUNDARIES OF SAID PROPOSED SPECIAL IMPROVEMENT LIGHTING DISTRICT; STATING THE PURPOSE OF AND GENERAL CHARACTER OF THE IMPROVEMENTS TO BE MADE IN SAID SPECIAL IMPROVEMENT DISTRICT; ESTIMATING THE APPROXIMATE COST THEREOF FOR THE FIRST YEAR; FINDING, DETERMINING AND DECLARING THAT PROPERTY WITHIN SAID SPECIAL IMPROVEMENT DISTRICT WILL BE ESPECIALLY BENEFITED AND AFFECTED BY SUCH PROPOSED IMPROVEMENT; DECLARING THAT SUCH PROPERTY SHOULD BE ASSESSED FOR THE COST THEREOF OF MAINTENANCE AND ENERGY AND EXTENDING SUCH ASSESSMENTS TO BE IN ANNUAL INSTALLMENTS AND PROVIDING FOR THE FUNDS UPON WHICH SAID SPECIAL IMPROVEMENT ENERGY AND MAINTENANCE FUNDS SHALL BE DRAWN; PROVIDING FOR THE PUBLICATION AND GIVING OF NOTICE OF THE PASSAGE AND ADOPTION OF THIS RESOLUTION AND PROVIDING FOR THE EFFECTIVE DATE HEREOF. **It was moved by**

Commissioner O’Leary, seconded by Commissioner Fay and carried by a roll call vote of 8 yeas, 0 nays and 4 absent to place Council Resolution No. 06-73 on final reading and passed having been deemed fully read at length.

**SECTION V ORDINANCES AND RESOLUTIONS –
 SUSPENSION OF THE RULES**

It was moved by Commissioner O’Leary, seconded by Commissioner Fay and carried by a roll call vote of 8 yeas, 0 nays and 4 absent to suspend the rules for the purpose of passing Council Resolutions No. 06-90, 06-91, 06-92, 06-93, 06-94 and including 06-97

2. COUNCIL RESOLUTION NO. 06-90

A RESOLUTION AUTHORIZING AND APPROVING THE SALE OF A CERTAIN PARCEL OF REAL PROPERTY KNOWN AS 330 WEST BOARDMAN STREET, LEGALLY DESCRIBED AS LOT 1K IN BLOCK 3 OF THE MOUNT MORIAH LODGE, AN UNFILED PLAT, BUTTE-SILVER BOW COUNTY, MONTANA FOR THE PURPOSE OF COMMUNITY DEVELOPMENT IN ACCORDANCE WITH THE PROCEDURES OF BUTTE- SILVER BOW MUNICIPAL CODE AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. **It was moved by Commissioner O’Leary, seconded by Commissioner Fay and carried by a roll call vote of 8 yeas, 0 nays and 4 absent to place Council Resolution No. 06-90 on final reading and passed having been deemed fully read at length.**

3. COUNCIL RESOLUTION NO. 06-91

A RESOLUTION AUTHORIZING AND APPROVING THE SALE OF A CERTAIN PARCEL OF REAL PROPERTY KNOWN AS 2410 PINE ST, LEGALLY DESCRIBED AS LOTS 7 AND 8 IN BLOCK 21 OF THE SILVER BOW PARK ADDITION, BUTTE-SILVER BOW COUNTY, MONTANA FOR THE PURPOSE OF COMMUNITY DEVELOPMENT IN ACCORDANCE WITH THE PROCEDURES OF BUTTE- SILVER BOW MUNICIPAL CODE AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. **It was moved by Commissioner O’Leary, seconded by Commissioner Fay and carried by a roll call vote of 8 yeas, 0 nays and 4 absent to place Council Resolution No. 06-91 on final reading and passed having been deemed fully read at length.**

4. COUNCIL RESOLUTION NO. 06-92

A RESOLUTION AUTHORIZING AND APPROVING THE SALE OF A CERTAIN PARCEL OF REAL PROPERTY KNOWN AS 1314 FARRELL ST, LEGALLY DESCRIBED AS LOT 3 IN BLOCK 8 OF THE FARRELL ADDITION, BUTTE-SILVER BOW COUNTY, MONTANA FOR THE PURPOSE OF COMMUNITY DEVELOPMENT IN ACCORDANCE WITH THE PROCEDURES OF BUTTE-SILVER BOW MUNICIPAL CODE AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. **It was moved by Commissioner O’Leary, seconded by Commissioner Fay and carried by a roll call vote of 8 yeas, 0 nays and 4 absent to place Council**

Resolution No. 06-92 on final reading and passed having been deemed fully read at length

5. COUNCIL RESOLUTION NO. 06-93

A RESOLUTION AUTHORIZING AND APPROVING THE SALE OF A CERTAIN PARCEL OF REAL PROPERTY KNOWN AS 515 N WYOMING ST, LEGALLY DESCRIBED AS A PORTION OF THE RIALTO LODGE, AN UNFILED PLAT, LOCATED IN SECTION 13, TOWNSHIP 3 NORTH, RANGE 8 WEST, P.M.M., BUTTE-SILVER BOW COUNTY, MONTANA FOR THE PURPOSE OF COMMUNITY DEVELOPMENT IN ACCORDANCE WITH THE PROCEDURES OF BUTTE- SILVER BOW MUNICIPAL CODE AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. **It was moved by Commissioner O’Leary, seconded by Commissioner Fay and carried by a roll call vote of 8 yeas, 0 nays and 4 absent to place Council Resolution No. 06-93 on final reading and passed having been deemed fully read at length.**

6. COUNCIL RESOLUTION NO. 06-94

A RESOLUTION FORMALLY ADOPTING THE NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS) AS DEVELOPED BY THE U.S. DEPARTMENT OF HOMELAND SECURITY TO RESPOND TO DOMESTIC SECURITY INCIDENTS AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. **It was moved by Commissioner O’Leary, seconded by Commissioner Fay and carried by a roll call vote of 8 yeas, 0 nays and 4 absent to place Council Resolution No. 06-94 on final reading and passed having been deemed fully read at length.**

7. EMERGENCY – COUNCIL RESOLUTION NO. 06-97

A RESOLUTION RECOGNIZING SEPTEMBER 18, 2006 AS THE 100TH BIRTHDAY OF GEORGE F. GRANT AND DECLARING THIS DAY AS GEORGE GRANT DAY IN PERPETUITY IN THE CITY AND COUNTY OF BUTTE-SILVER BOW AND AUTHORIZING THE CHIEF EXECUTIVE TO ISSUE AN APPROPRIATE A PROCLAMATION AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. **It was moved by Commissioner O’Leary, seconded by Commissioner Fay and carried by a roll call vote of 8 yeas, 0 nays and 4 absent to place Council Resolution No. 06-97 on final reading and passed having been deemed fully read at length.**

ADJOURN

There being no further business to come before the council, it was moved by Commissioner O’Leary, seconded by Commissioner Fay to Rise to the Call of the Chair.

CHIEF EXECUTIVE

ATTEST:

CLERK AND RECORDER